

## **REMARKS**

### **The Advisory Action**

The Advisory Action stated that the previous amendment filed after the Final Office Action was not entered.

The Advisory Action noted that claim 1 in the previous amendment after final had an additional paragraph which was not identified as being added. That was a typographical error and the text in question should not have appeared in the claim. The present amended version of claim 1 properly incorporates the allowable subject matter of claim 27.

The Advisory Action also contended that claim 29 had the wrong status identifier “Previously Presented”, presumably because the “1” was underlined. In point of fact, the status was correct as the claim when added by the Amendment of October 6, 2006 had an underline beneath only that number. No change to this claim is now being made. Therefore in the above set of claims, claim 29 is properly noted as being Previously Presented and in view of the objection in the Advisory Action, the underline has been removed. If this is unsatisfactory, the applicant’s attorney should appreciate a telephone call from the examiner to discuss an examiner’s amendment to set this claim right.

### **The Final Office Action**

Claims 20-27 and 30 have been allowed in the subject patent application. Claims 1-9, 12, 13, 16, 28 and 29 stand rejected, while claims 10, 11, 14 and 15 merely were objected to as depending from a rejected claim. Claim 1 is being amended as requested to correct a typographical error and to incorporate the allowable subject matter from claim

27. Claims 17-19 were cancelled previously and claim 27 is currently being cancelled. Therefore, claims 1-16, 20-26, and 28-30 will be pending after entry of this amendment.

The amendment dated October 6, 2006 included formal drawings to replace the hand-drawn figures in the application as filed. The Neither final Office Action nor the Advisory Action indicated the status of those formal drawings, which the Applicants assume to be acceptable.

### **Rejection Under 35 U.S.C. §102**

Claim 1-7, 12, 16 and 29 stand rejection under 35 U.S.C. §102 as being anticipated by the Anderson published patent application.

Independent claim 1 of this group has been amended to incorporate the allowable subject matter from claim 27. These claims now state that the power converter is simultaneously coupled to both the first input port and the second input port and thereby receives alternating current input power from both ports. That is not true of the Anderson power supply which as shown in Figure 8b receives power from the LOAD AC line that leads from the output of the transfer switch 3 in Figure 1. Therefore, the Anderson power converter is not coupled simultaneously to both the first and second input ports, but only to one of those ports at a time, depending upon the position of the transfer switch.

Therefore, claims 1-7, 12, 16 and 29 are not anticipated under 35 U.S.C. §102.

### **Rejections Under 35 U.S.C. §103**

Claim 8 was rejected under 35 U.S.C. §103 as being unpatentable over Anderson. This claim is patentable for the reasons stated above with respect to its parent claim 1.

Claim 9 was rejected under 35 U.S.C. §103 as being unpatentable over Anderson in view of Young *et al.*

This claim also is patentable for the same reasons as its parent claim 1.

In addition Claim 9 specifies a rectifier section having a first diode array that receives the first input power from the first input port and a second diode array that receives the second input power from the second input port. The rejection identified diodes 66 and 70 in Young *et al.* as respectively corresponding to the first diode array and second diode array and then alleges that it would have been obvious to combine those diode arrays with the Anderson apparatus. Because of a significant difference between the apparatus in those patents there is not need to use two separate diode arrays in Anderson. Anderson needs only one diode array D11 in Figure 8b as its power supply is connected to the output (AC LOAD) of the transfer switch 3 in Figure 1. Thus there is not reason to provide two separate diode arrays at the first and second input ports on the supply side of the transfer switch. In fact doing so would render the Anderson device inoperative because the resultant DC power could not be converted to a lower voltage by the transformer T1 in the power supply. Furthermore, the changes to Anderson in order to incorporate the Young *et al.* teachings would require major modifications and add considerable cost to the device further making the presently claimed automatic transfer switch unobvious.

For these reasons, the rejection has failed to establish a *prima facie* case of obviousness under 35 U.S.C. §103 with respect to claim 9.

Claims 13 and 28 have been rejected under 35 U.S.C. §103 as being unpatentable over Anderson in view of Hansson *et al.*

Both claims 13 and 28 are patentable for the same reasons as given previously for the patentability of their parent claim 1.

Claim 13 also states that the power converter includes a switch mode power supply (SMPS) and a switch mode regulator coupled to an output terminal of the SMPS. Note that Figure 1 of the present application shows a switch mode power supply 70 with output terminals 86 directly from which some internal components receive power. A separate switch mode regulator 85 also is connected to the SMPS output terminals 86 to further regulate electricity applied to the microprocessor. Therefore, the switch mode power supply and a switch mode regulator are physically and functionally separate devices.

Anderson fails to teach either a switch mode power supply or a switch mode regulator. The final Office Action states on page 8 that the Hansson *et al.* power supply 100 includes a switch mode regulator 120 (see Fig. 1). However, that regulator 120 is an intermediate stage between the input terminal 110 and the output terminal 135 of the power supply and an internal power supply regulator is not what is being claimed. Claim 13 by definition states that the switch mode regulator is separate and distinct from the switch mode power supply, which is not the case in Hansson *et al.*

Therefore, even if one was use the Hansson *et al.* power supply in the Anderson automatic transfer switch that still would only at best teach a switch mode power supply that incorporated an intermediate switch mode regulator, but not both of those elements separate and distinct from each other as recited in Claim 13.

For these reasons, claims 13 and 28 are not obvious under 35 U.S.C. §103.

## Conclusion

In view of these distinctions between the subject matter of the present claims and teachings of the cited patents, reconsideration and allowance of the present application are requested.

Respectfully submitted,  
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Dated: May 8, 2007

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